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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

MAILED

Application Number: 09/390,954

SEP 26 2007

Filing Date: September 07, 1999

Appellant(s): TAYLOR ET AL.

GROUP 3600

Joseph P. Mehrle
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 3/21/07 and 6/11/07 appealing from the
Office action mailed 11/17/06.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Bennett.

Bennett et al. shows, figures 7 and 8, a printing system with automatic statistical compilation and billing. There is a section, Statistical and Billing Information, in columns 5-8 which is of particular interest. The system described above may include several print jobs in memory (path, second print service) since jobs can be scanned at one time and then stored for subsequent printing. The system control 54 (printer agent) can include a mechanism for identifying each account and counting the number of reprographic system functions performed for that specific print job (accounting support for print services, third print service). The system control 54 can also store the billing rates for the various system functions for each account and calculate the billing cost for that account, as for example, the product of the rate for the printing function and the number of printing functions performed (tracking/evaluating). Looking at figure 2, one can see that the printer agent function and the accounting support services exist as

subsets of system control 54 and reside on controller 7, which acts as a server for the network shown in figure 2. All information to be inputted into the controller 7 can be accomplished using the UI 52 (API). When a customer account has been deactivated by the system operator, requests to bill against the account will be denied. Printing jobs already in the printer queue that reference the account will be allowed to print, and will subsequently be billed to the account. A system operator can look at the print job summary or delete a print job with a deactivated account name. However, a new account name must be assigned to the original job in order to move or copy it (inherently; accept, reject, and hold functions are accomplished). The printer agent in controller 7 is clearly separate and apart from printer 8.

(10) Response to Argument

Appellant's "Argument" section of 3/21/07 has been replaced by arguments submitted 6/11/07.

On page 2, bottom, appellant makes a list of elements that appellant assert Bennett does not show. The examiner does not concur. The examiner has provided a detailed claim map of claim 1 and will rely on the map with the following comments.

In reference to "the print job is directly received by a printer agent from a printer client".

The art in discussion is computer networks and their use for the printer field.

The term "directly" is odd in this field because communication between two computers usually takes place over a network and not directly hardwired together. Appellant's communication takes place on a network linking the client and the "server" and the

printer agent resides on the server. See appellant's figures 1 and 3. The examiner is fine with calling this "directly" because that is what Bennett shows. See claim map and Bennett's figures 2, 5A and 5B.

In reference to "the printer agent and the account support services reside on a server within a network". Once again, this is an odd limitation in this field. In the computer field components of computers and networks are modular and reside anywhere in the network and it would be transparent in form and function. As it turns out, the printed wiring boards of Bennett, which perform these functions happen to be on the same computer the examiner is considering to be a server. Therefore the limitation is anticipated.

In reference to "that enables the accounting application to one of reject the print job, accept the print job, and instruct the printer agent to place an accounting hold on the print job" This is alternative language. Column 6, lines 4-7, clearly show an accepted print job "printed under a specific account number", thus meeting the broad alternative language.

In reference to wherein the ASSe are separated and apart from the printer agent and the printer agent is separate and apart from the printer. Again, this is an odd limitation in this field. In the computer field, it does not matter if components are hardwired connected or if the components are merely in communication with each other. As it

turns out, the printed wiring boards of Bennett, are "separate and apart" modules within a computer module. Therefore the limitation is anticipated. See claim map for more details.

Appellant asserts that Bennett does not recite the terms "network", "client" or "server". Bennetts figures 2 and 5a-5c clearly show that the Bennett system consists of many processors connected by a data bus, which constitutes a network. The claim map provides details on the specific claim language.

From the examiners last action,

"From a computer dictionary, a server is a computer or program that responds to commands from a client on a network. A network is a group of computers and associated devices that are connected by communications facilities. By these definitions, the system of figure 2 constitutes a network, controller 7 constitutes a server and the scanner 6 constitutes a client."

From appellant's specification, page 5,

"In the illustrative embodiment, the network 100 is organized in accordance with a client-server architecture wherein computers 110 may comprise personal computers or workstations configured as "clients" for interaction with users and computers 300 are configured as "servers" that perform services as directed by the clients. For example, the server 300 may be configured as a print server having a locally-attached printer 116."

By either description, Bennett system reads on the broadly recited language. Appellant does not recognize the multiple processors of Bennett to anticipate appellant's computers. The examiner believes that this logic is in error.

Claim 1, claim map

A communication interface between an accounting application and a printer agent application executing on a computer network, the interface comprising:

application program interface (API) functions exchanged and bound between applications that provide accounting support services (ASSER),

wherein the ASSER are directed to a print job, and

the print job is directly received by a printer agent from a printer client,

the printer agent and the ASSER reside on a server within a network, and

wherein the ASSER include tracking production of the print job and computer network resources consumed by the job,

It is the examiner's position that since the prior art shows the claimed structure and functions this "interface" is also met.

Column 6, lines 7-13. This citation is drawn to the controller 7, which includes system controller 54, which includes Printed Wiring Board (PWB) 70-1 (ASSER). See column 4, line 24 to column 5, line 65 for the sub-structure PWB description.

Scanner 6 is the printer client.
Printer agent is in controller 7.
"Direct" as appellant's fig. 3.

Controller 7 is the server.
PWB 70-1 is the ASSER
PWB 70-9 is the printer agent

Column 6, lines 7-13.

Claim 1, claim map (continued)

the API functions comprising a first print service API

that is called by the printer agent before the print job is created and sent to a printer and

that enables the accounting application to one of

reject the print job,
accept the print job, and
instruct the printer agent
to place an accounting
hold on the print job, and

wherein the ASSER are separated and apart from the printer agent and

the printer agent is separate and apart from the printer.

Column 4, lines 42-44. PWB-9 controls data to and from the printer. Any interface functions must be done prior to transmission to printer.

Column 6, lines 4-7.
In this example shows accepting the print job and meeting the alternative language. Special note to "printed under a specific account number".

PWB 70-1 is the ASSER
PWB 70-9 is the printer agent
They are separate and apart within the system controller 54.
(Just like appellant's figure 3.)

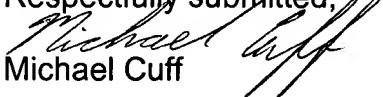
PWB 70-1 (ASSER) is part of controller 7, which is clearly "separate and apart" from printer 8. (Just like appellant's figures 1 and 3.)

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


Michael Cuff

Conferees:

Ryan Zeender



Vinny Millin

